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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,467	01/26/2005	Estelle Lesellier	FR 020082	6150

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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THOMAS, MIA M

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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01/05/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/522,467	<b>Applicant(s)</b> LESELLIER ET AL.	
	<b>Examiner</b> Mia M. Thomas	<b>Art Unit</b> 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is responsive to applicant's remarks received on 23 September 2009. Reconsideration is respectfully requested in view of the amendments made to the claims and for the remarks made herein. Claims 1 and 3-9 are pending in the application and stand rejected. Claim 2 has been cancelled without prejudice. Claims 1, 7, 8 and 9 are independent claims. A complete response to applicant's remarks follows here below.

### ***Response to Arguments***

2. Applicant's arguments, see page 6, with respect to 35 USC §101 rejections have been fully considered and are persuasive. Claim 9 has been rewritten as a standard statutory Beauregard claim. The 35 USC §101 rejections of claim 9 have been withdrawn.

3. Applicant's arguments, see page 6, with respect to 35 USC §103(a) rejections have been fully considered and are persuasive. The 35 USC §103(a) rejections of claims 1, 3-9 have been withdrawn.

4. Summary of Applicant's arguments: Applicants submit that independent claim 1, 7-9 have been amended to include the limitations of claim 2. Accordingly, applicants submit the independent claims 1, 7-9 are allowable.

Examiner's Response: The Examiner respectfully disagrees. The Examiner has observed that several of the limitations of the newly amended claim 1 lack an antecedent basis. This is explained in the 35 U.S.C 112, second paragraph rejection forwarded below.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 3-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The following rejection applies to independent claims 1, 7 and 9. Using claim 1 as an example, the claim recites the limitation "said current spatial grid" at line 20 of the claim. There is insufficient antecedent basis for this limitation in the claim. The Examiner is unclear if a "spatial grid (SG)" is the same as a "current spatial grid SG(t)".

For reference as to where the Examiner relied on the instant specification, the Examiner has cited the passage below: At page 2, line 34 of the instant application: "a grid comprises a set of at least one blocking artifact, and the reference grid comprises an indicator associated with a set of at least one blocking artifact, the indicator of the current reference grid being updated from the indicator of the preceding reference grid, and from the absence or presence of the set of at least one block artifact associated with the indicator in the current spatial grid."

At page 3, bridging lines 2 and 3 of the specification, applicant recites "and from the absence or presence of the set of at least one block artifact associated with the indicator in the current spatial grid SG(t) (emphasis added)." At newly amended claim 1, the limitation at line 16 supports said spatial grid (SG) as first introduced at line 4 of the claim. However, at line 20 of the claim, the claim recites "with said indicator in the corresponding row of said current spatial

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grid (SG(t)), said indicator being associated with a set of at least one blocking artifact. Additionally, the Examiner looks to page 9, lines 3-12 to describe the "modification mode also consisting of completing the current reference grid RG(t) with respect to the preceding reference grid RG(t-1) with grid rows which are present (emphasis added) in the current spatial grid SG(t) and which were not (emphasis added) in the preceding reference grid RG(t-1)...".

The discussion of this rejection is that the Examiner is unclear if a "spatial grid (SG) and a current spatial grid (SG(t)) are the same grids as recited in the newly amended claims. The recitation regarding the support for this limitation is also not supported by the instant specification as best understood by the Examiner. The lack of clarity is also present at claims 7 and 9. According to the limitations of the claims the "current spatial grid SG(t)" lacks an antecedent basis in this limitation which, based upon this interpretation is not supported in the claims. Therefore, appropriate clarification and correction is required for proper claim analysis.

Similarly, the same rejection applies for independent claims 7 and 9 regarding the limitation "said current spatial grid (SG(t))".

### ***Conclusion***

In an effort to expedite prosecution, the Examiner has attempted to contact the attorney of record regarding this matter, however, the Examiner was unable to reach the undersigned attorney. The attorney of record is invited to contact the Examiner to resolve the outstanding matters in this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mia M. Thomas whose telephone number is (571)270-1583. The examiner can normally be reached on Monday-Thursday 8am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh M. Mehta can be reached on 571-272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bhavesh M Mehta/  
Supervisory Patent Examiner, Art Unit 2624

*/Mia M Thomas/  
Examiner, Art Unit 2624*